

## PLANNING BOARD STAFF REPORT

**DATE:** April 25, 2010

**TO:** HONORABLE PRESIDENT AND MEMBERS OF THE  
PLANNING BOARD

**FROM:** Brian Stanke, Permit Center Planner  
510.747.6805  
bstanke@ci.alameda.ca.us

**APPLICATION:** **Rezoning – PLN11-0046 – 1348 Weber Street.** The 2,738 square foot parcel would be rezoned from C-1 (Neighborhood Commercial) to R-4 (Neighborhood Residential District). The General Plan designation will remain Neighborhood Business. The current residential use of the site is nonconforming, which prohibits the reconstruction of the structure if over 70% destroyed. The proposed rezoning will allow the residence to be rebuilt by right, providing certainty to current and future property owners.

**APPLICANT:** Lieselotte Coler-Dark

**ZONING DISTRICT:** C-1 (Neighborhood Commercial)

**GENERAL PLAN:** Neighborhood Business

**ACRONYMS:** AMC – Alameda Municipal Code  
R-4 – Neighborhood Residential District  
C-1 - Neighborhood Commercial

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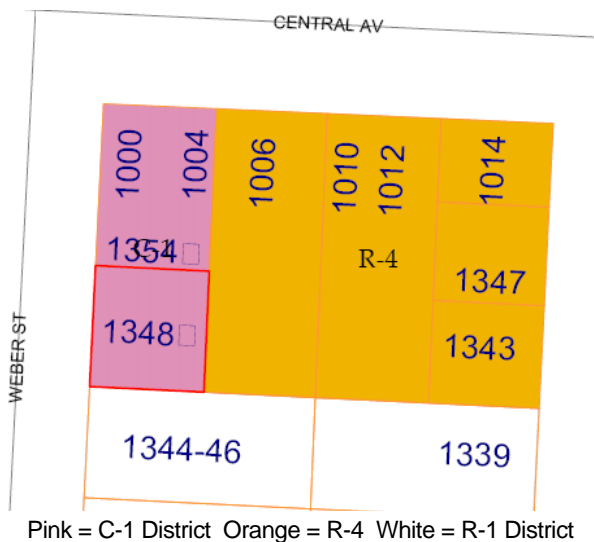
### **EXECUTIVE SUMMARY**

The applicant is requesting that the zoning designation for the property at 1348 Weber Street be changed from a commercial to a residential classification. The applicant is requesting that the City change the existing zoning from C-1, Neighborhood Commercial to R-4, Neighborhood Residential. No change to the general plan map designation or text changes to the General Plan are proposed,

as the Neighborhood Business designation allows residential uses. General Plan pg. 2–3. Pursuant to AMC Subsection 30-20.4(a), no nonconforming building or use shall be enlarged, extended, reconstructed or structurally altered. Therefore the existing nonconforming duplex cannot be replaced (with a dwelling) if destroyed by fire. In order to provide a by right rebuild rights to the residences, a rezoning is required. Due to its historic and current residential use, staff is recommending that the site be rezoned to R-4.

## **BACKGROUND**

The subject site is one parcel, approximately 2,738 square feet (0.06 acres), and contains a duplex residential structure. The size of the parcel would not allow additional units on the property. Per City records, the existing structure was constructed in 1909 and has been in continuous residential use. It is not listed on the City's Historical Building Study List.

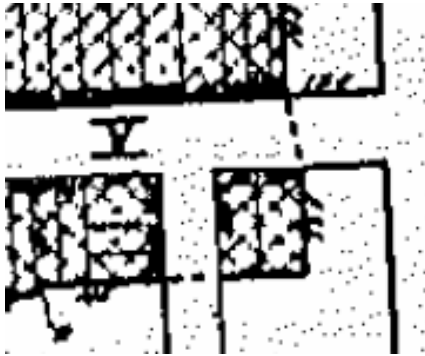


**Figure 1: Current Zoning Map detail**

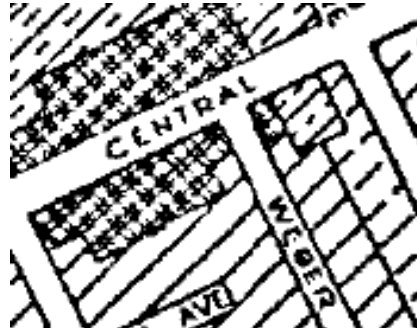


**Figure 2: 1348 Weber (center of photo)**

A review of City zoning maps dating back to the 1920's shows this site has been rezoned several times. In earlier zoning codes, residential uses were permitted by right in the former "business district class 5" zone. By 1967, the site had been changed to C-1 as part of a substantial expansion of the neighborhood commercial district under the new 1958 zoning code. This district allows residential uses in conjunction with nonresidential uses but they are not permitted on, "ground floor spaces considered suitable for business use; and that new structures devoted solely to residential use shall not be permitted." (AMC 30-4.8.c.1). The change in zoning rendered the ground floor residential use of the subject site nonconforming. Pursuant to current zoning (AMC 30-20.4, Changes to and Restoration of Nonconforming Buildings and Uses), no building may be rebuilt if over 70% destroyed, unless it is changed to conform to the AMC regulations specified by this section.



**Figure 3: 1923 Zoning Map detail (Business District Class V)**

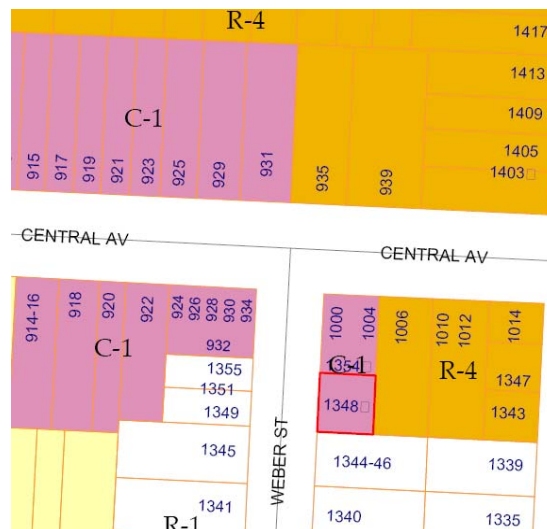


**Figure 4: 1940 Zoning Map detail ("A-1" 1 Family Dwelling District)**

In the last five decades, several of the residential properties that were included in the C-1 district have been rezoned to residential. In 1982, the two properties directly opposite Weber Avenue (1349 and 1451 Weber) were rezoned from C-1 to R-1 to match other residential properties on that block. Later in 1992 three properties (935, 939, and 1006 Central Avenue) were rezoned from C-1 to R-4. 1006 Central Avenue is directly behind 1348 Weber Street. In both cases, the rezoning acknowledged and brought into conformance the pre-existing residential uses of the properties.



**Figure 5: 1967 Zoning Map detail**



**Figure 6: Current Zoning Map detail**

## **STAFF ANALYSIS**

The project site is currently zoned C-1, Neighborhood Commercial. Amending the site's zoning designation to R-4, Neighborhood Residential, is required to bring into conformance the existing solely residential structure. The proposed zone change to R-4 is consistent with the adjacent residential property to the rear and along

Central Avenue to the east and would not result in spot zoning. The R-4 designation is superior to an R-1 because the existing structure is a duplex and would be a non-conforming use if rezoned R-1. The change is consistent with the Housing Element of the General Plan because it will preserve the use of the site for housing.

The proposed amendment would ensure that the zoning for the site is consistent with the historic and current use. The current General Plan designation, Neighborhood Business, allows the residential use of the property. "Residential use is encouraged on the second floor and is permitted elsewhere" (General Plan page 2-3). Under the proposed zoning, the current owner and any future owners of the property will have the ability to rebuild and preserve the existing residential use if the structure is destroyed by more than 70% (AMC 30-20.3).

The proposed amendments are consistent with General Plan policy to "conserve housing located in areas that have been zoned for commercial or industrial use" (General Plan Policy 2.4.b). Furthermore, City of Alameda Housing Element Policies wish to promote the conservation and rehabilitation of the City's existing housing stock. The General Plan Neighborhood Business District designation will provide flexibility to future property owners if they wish get the property rezoned and convert the ground floor to a retail use and is appropriate because it is consistent with the goals of both the Land Use and Housing Elements of the General Plan.

In conclusion, staff recommends that the Planning Board recommend that the City Council approve of the Rezoning of 1348 Weber Street to R-4 for the following reasons:

- The rezoning will bring into conformance an existing residential duplex on the property, providing the ability to rebuild the structure if destroyed.
- The adjacent properties to the east and south are zoned R-4 and R-1 respectively.
- An R-4 designation would make the existing duplex a conforming use whereas an R-1 designation would not.

### **ENVIRONMENTAL REVIEW**

This project is exempt from environmental review pursuant to the Guidelines for the California Environmental Quality Act (CEQA) Section 15305 – Minor Alterations in Land Use Limitations, because the project involves changing the zoning to reflect the current residential use of the property and will not change the allowed density, or the existing use, of the site.

### **PUBLIC NOTICE**

A notice for this hearing was mailed to property owners and residents within 300 feet of this site, published in the Alameda Journal and posted at the subject property. Staff has received email in support of the project as of April 1, 2011.

**RECOMMENDATION**

Staff recommends that the Planning Board find the project Categorically Exempt from CEQA and recommend that the City Council approve the Rezoning application number PLN11-0046.

RESPECTFULLY SUBMITTED BY:

REVIEWED BY:

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BRIAN STANKE  
PERMIT CENTER PLANNER

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MARGARET KAVANAUGH-LYNCH  
PLANNING SERVICES MANAGER

Attachments:

1. Draft Planning Board Resolution
2. Proposed Zoning Map and General Plan Map detail
3. Staff Photographs
4. Email in support of rezoning